



# Instructions for Form CT-186-EZ

## Telecommunications Tax Return - Short Form

Tax Law — Article 9, Sections 186-e and 186-c

**CT-186-EZ-I**

### General information

#### Changes effective in 1999

The Tax Law was amended to reduce the tax rate applicable to section 186-e. For the period January 1, 1999, through December 31, 1999, the tax rate is 3.25%. However, you must compute the MTA surcharge related to section 186-e as if the 3.5% tax rate is still in effect.

This form, CT-186-EZ, *Telecommunications Tax Return — Short Form*, was created for smaller providers of telecommunication services. See below to determine which form to file.

#### Which form to file

Every provider of telecommunication services must file Form CT-186-E or CT-186-EZ to report the tax due under section 186-e. In addition to your telecommunications activity, if you are a utility supervised by the Department of Public Service or have receipts from other utility services, you must use Form CT-186-E to report the tax imposed by section 186-a.

*Provider of telecommunication services* means any person, corporation, or other entity who furnishes or sells telecommunication services, regardless of whether such activities are the main business of the person, corporation, or other entity, or are only incidental services. (Any reference to a utility regarding the tax imposed by section 186-e or 186-a is deemed to include a reference to a provider of telecommunication services.)

#### Who may file Form CT-186-EZ

Generally, except for those listed under *Who may not file Form CT-186-EZ* below, any provider of telecommunication services may file Form CT-186-EZ. Form CT-186-EZ may be used only by providers selling telecommunication services to customers for ultimate consumption. Examples include:

- Companies exclusively providing paging services (including ancillary and incidental services and equipment) selling exclusively to customers for ultimate consumption
- Resellers of mobile telephone services (including ancillary and incidental services and equipment) selling exclusively to customers for ultimate consumption
- Providers of pay telephone services
- Retail stores that provide telephone services to customers on the premises
- Retail stores that provide self-operated facsimile or data transmission services to customers on the premises
- Providers of prepaid phone cards
- Landlords providing telecommunication services to tenants where the charges for the services are separately stated
- Hotels and motels providing telecommunication services to guests where the charges for services are separately stated
- Hospitals selling telecommunication services to persons on the premises where the charges for the services are separately stated
- Any other provider of telecommunication services selling services exclusively to customers for ultimate consumption

#### Who may not file Form CT-186-EZ

The following providers of telecommunication services are **not permitted** to file Form CT-186-EZ, and must instead file Form CT-186-E:

- Local exchange telephone companies
- Interexchange telephone companies

- Facilities-based cellular telephone companies
- Any provider selling telecommunication services to others for resale
- Any provider of private telecommunication services
- Any provider that is supervised by the Department of Public Service
- Any provider of telecommunication services that also sells electricity, steam, gas, water, or refrigeration

#### Exempt sellers

The following, if selling telecommunications services, are exempt from tax under section 186-e:

New York State, municipalities, political and civil subdivisions of New York State or a municipality, public districts, not-for-profit corporations, and associations organized and operated exclusively for religious, charitable, or educational purposes.

#### When and where to file

You must report on a calendar year basis to New York State, even if you maintain your records and report to the Internal Revenue Service (IRS) using a fiscal accounting period.

This return is due on March 15 following the close of the calendar tax year. If March 15 falls on a Saturday, Sunday, or legal holiday in any year, the return is due on the next business day.

Mail the return to: NYS Corporation Tax, Processing Unit, PO Box 22038, Albany NY 12201-2038.

#### Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to file your return. However, if, at a later date, you need to establish the date you filed your return, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* on page 4 of these instructions for information on ordering forms and publications.) If you use **any** private delivery service, whether it is a designated service or not, address your return to: **State Processing Center, 431C Broadway, Albany NY 12204-4836.**

#### Extension of time for filing tax return

If you cannot meet the filing deadline, you may request an extension of time by filing Form CT-5.9-E, *Request for Three-Month Extension to File Form CT-186-E or Form CT-186-EZ*, on or before the original due date. An extension of time granted by the IRS to file a federal tax return does not extend the due date for filing Form CT-186-E or CT-186-EZ.

#### Other surcharges, taxes, and fees that may apply

**Temporary metropolitan transportation business tax (MTA surcharge)** — You must also use this form to compute and report the MTA surcharges imposed by section 186-c on business done in the Metropolitan Commuter Transportation District (MCTD). The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

**Foreign corporations — Maintenance fee and license fee** — A corporation organized outside of New York State (*a foreign corporation*) that is authorized to do business in New York State must pay an annual maintenance fee of \$300. Failure to pay the

annual maintenance fee or its equivalent in corporation taxes (including the MTA surcharge) will result in annulment of the corporation's authorization to do business in New York State under Articles 9, 9-A, or 32. Payments of corporation taxes are counted as payments toward the \$300 annual maintenance fee (but not the license fee reported on Form CT-240). If the total of your taxes is greater than \$300, then you have satisfied the requirement to pay the annual maintenance fee. If the total of your corporation taxes and MTA surcharges is less than \$300, you must increase your payment on Form CT-183 or CT-186 to satisfy the \$300 maintenance fee requirement. Indicate on this form that you made payment with Form CT-183 or Form CT-186, and make no remittance of tax with this return.

Foreign corporations must also file Form CT-240, *Foreign Corporation License Fee Report*.

**Employer identification number, file number, and other identifying information** — For us to process your corporation tax forms as quickly and efficiently as possible, it is important that we have the necessary identifying information from your preprinted label. Keep a record of the label information for future use. Please be certain to include your employer identification number and file number on each corporation tax form mailed. Without this information, we may not be able to process your return.

If you use a paid preparer or accounting firm, make sure they use the mailing label or label information when completing all forms prepared for you.

**Amended return** — If you are filing an amended return, please write **Amended return** across the top of the front page.

## Specific instructions

Complete Schedule A, and Schedule B if it applies to you, before completing lines 1 through 15.

Schedule A — New York State excise tax on telecommunication services

Schedule B — MTA surcharge related to telecommunication services

**Whole dollar amounts** — You may elect to show amounts in whole dollars rather than dollars and cents. Round an amount from 50 cents through 99 cents to the next higher dollar, and round any amount less than 50 cents to the next lower dollar.

**Percentages** — When computing allocation percentages, convert decimals into percentages by moving the decimal point two spaces to the right. Percentages should be carried out to four decimal places. For example:  $5,000/7,500 = .6666666 = 66.6667\%$ .

**Negative amounts** — Show any negative amounts in parentheses.

### NAICS activity code number

Enter the six-digit NAICS business activity code number from your federal return.

**Line A** — Make your payment in United States funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

### Computation of tax

#### Installments of estimated tax

In addition to the first installment required on line 3a or 3b, you may be required to make additional installments of estimated tax.

If the total of your estimated tax related to section 186-e will exceed \$1,000 for the next period, you must file Form CT-400 and make

installment payments of estimated tax and MTA surcharge.

You must file a Form CT-400 on or before June 15, September 15, and December 15, and pay the additional installments of estimated tax for the next period.

**Line 8** — If you underpaid your estimated tax for 1999, use Form CT-222, *Underpayment of Estimated Tax by a Corporation*, to compute the penalty. Attach Form CT-222, check the box, and enter the amount of penalty on line 8. If no penalty is due, enter "0" on line 8.

#### Interest and penalties for late payment

**Line 9** — If you do not pay the taxes and MTA surcharges on or before the original due date (**without** regard to any extension of time), you must pay interest on the amount of the underpayment from the original due date to the date paid. Exclude from the interest computation the first installment of estimated tax shown on line 3a or 3b.

**Line 10** — Compute additional charges for late filing and late payment on the amount of tax and MTA surcharge, less any payment made on or before the due date (**with** regard to any extension of time for filing). Exclude from the penalty computation the first installment of estimated tax shown on line 3a or 3b.

- A. If you do not file a return when due, or if the request for extension is invalid, add to the tax 5% per month up to 25% (section 1085(a)(1)(A)).
- B. If you do not file a return within 60 days of the due date, the addition to tax cannot be less than the smaller of \$100 or 100% of the amount required to be shown as tax (section 1085(a)(1)(B)).
- C. If you do not pay the tax shown on a return, add to the tax ½% per month up to 25% (section 1085(a)(2)).
- D. The total of the additional charges in items A and C may not exceed 5% for any one month, except as provided for in item B above (section 1085(a)).

If you think you are not liable for these additional charges, attach a statement to your return explaining any delay in filing or in making your payment or both (section 1085).

**Note:** If you wish, we will compute the interest (line 9) and penalty (line 10) for you. Call the Business Tax Information Center at 1 800 972-1233.

#### Overpayments and credits

**Line 12 — Unrequested refunds to be credited forward** — If you have overpaid your tax, you will not receive a refund unless you request one. Instead, we will credit your overpayment to the following tax year. We will notify you that the overpayment has been credited and explain how to request a refund of the credited amount. If you request a refund of the credited amount, you must claim the refund before the original due date of the following year's return.

**Lines 13 and 14** — You may apply all or part of the overpayment on line 12 to your next period taxes and surcharges to be reported on Form CT-186-EZ, or you may have it refunded. Indicate on lines 13 and 14 the amounts you wish applied to your next period or refunded.

**Line 15** — You may take a refund instead of the sale-for-resale credit or the multi-jurisdictional credit (see instructions for lines 24 and 25). However, we will not allow, or pay, any interest on any credit or refund allowed under the sale-for-resale credit.

**Collection of debts from your refund** — We will keep all or part of your refund if you owe a past-due, legally enforceable debt to the IRS or to a New York State agency. This includes any state department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other entity performing a governmental or proprietary function for the state or a social services district. We will refund any amount over your debt.

If you have any questions about whether you owe a past-due, legally enforceable debt to the IRS or a state agency, contact the IRS or that particular state agency.

For New York State tax liabilities **only** call 1 800 835-3554 (outside the U.S. and outside Canada call (518) 485-6800) or write to NYS Tax Department, Tax Compliance Division, W A Harriman Campus, Albany NY 12227.

### **Schedule A — New York State excise tax on telecommunication services** (Tax Law section 186-e)

Section 186-e imposes an excise tax on each charge from (1) any intrastate telecommunication services; (2) any interstate or international telecommunication services that originate or terminate in New York State and are charged to a service address in New York State (regardless of where the amounts charged are actually billed or ultimately paid); and (3) private telecommunication services attributable to New York State.

#### **As an excise tax, the charge for each telecommunication service is determined on the basis of each transaction.**

Providers of telecommunication services are required to file Form CT-186-E or CT-186-EZ for each calendar year, summarizing the charges accrued and the tax liability to be paid.

*Gross charge* means the amount charged for each telecommunication service provided with no deductions, and is expressed in money, whether paid in cash, credit, or property of any kind or nature. A deduction is allowed for bad debts incurred on charges subjected to tax under section 186-e, when the debt becomes worthless in accordance with consistently applied Generally Accepted Accounting Principles.

*Telecommunication services* means telephony or telegraphy, or telephone or telegraph service of any nature including, but not limited to, any transmission of the following: voice, image, data, information, or paging, through the use of wire, cable, fiber-optic, laser, microwave, radio wave, satellite, similar media, or any combination thereof. *Telecommunication services* also include services that are not telecommunication services as such, but are: (1) ancillary to the provision of telephone service (for example, directory information, call forwarding, caller identification, call waiting, and supplementary services) and (2) services (of whatever nature) which are incidental to the provision of telecommunication services. The charges from equipment provided in connection with the provision of any telecommunication service (such as beepers, telephones, fax machines, or modems) are also subject to tax under section 186-e. The term *telecommunication services* does not apply to separately stated charges for a service that alters the substantive (information) content of the message transmitted.

*Example: The character sequence 1, 2, 3, 4 is sent and the recipient receives only the summary number 10. The charge for this data processing service is separately billed. Because arithmetic processing has substantively changed the information content of the message sent and the data processing service is separately billed, this is not considered a telecommunication service.*

*Telecommunication services do not* include:

- television or radio programming transmitted to subscribers by cable television service, or
- Internet access services (including communication/navigation software, e-mail privileges, news headlines, and certain website services furnished as part of a combined Internet access charge).

Examples of telecommunication service charges reported on Form CT-186-EZ include:

- local telephone services
- toll services
- long-distance telephone services
- pay telephone services
- paging services
- mobile telephone services
- facsimile and data transmission services
- prepaid phone card services
- any of the above telecommunication services provided as supplementary services by hotels, hospitals, office buildings, and similar establishments, that are billed as separately identifiable charges

**Line 16** — Enter 100% of your charges from intrastate telecommunication services provided to customers for ultimate consumption.

**Line 17** — Enter 100% of your charges from interstate and international services that originate or terminate in New York State and have a service address in New York State, provided to customers for ultimate consumption.

*Service address* means the location of the equipment from which the telecommunication originated or at which the telecommunication is received by the purchaser from the provider of telecommunication services. Special rules define the service address in instances where the telecommunication service is obtained through a credit or payment mechanism (such as a credit, calling card, or third-party billing), and where the service address is not a defined location (such as a mobile telephone, paging system, maritime system, or air-to-ground system). In instances where more than one rule may apply, use the first rule from the list below that applies, to determine the service address.

(1) If the telecommunication originates or terminates in New York State and is charged to telecommunication equipment that is not associated with the origination or termination of the telecommunication (for example, by the use of a calling card or third-party billing), and the location of the equipment charged is in New York State, the service address will be deemed to be in New York State.

(2) If the service is obtained through a credit or payment mechanism such as a bank, travel, credit, or debit card, or if the service is obtained by charging telecommunication equipment that is not associated with the origination or termination of the telecommunication (for example, by the use of a calling card or third-party billing), and the equipment is not located in the state of origination or termination, then the service address is deemed to be the location of the origination of the telecommunication.

(3) If the service address is not a defined location, as in the case of mobile telephones, paging systems, maritime systems, air-to-ground systems and the like, *service address* means the location of the subscriber's primary use of the telecommunication equipment as defined by telephone number, authorization code, or

location where bills are sent. However, the location of the mobile telephone switching office, or similar facility that receives and transmits the signals of the telecommunication, will be deemed the *service address* when the mobile telephone switching office or similar facility is outside the subscriber's assigned service area.

**Line 18** — Enter 100% of your charges from ancillary or incidental services (such as directory information, call forwarding, caller identification, and call waiting) or from equipment provided in connection with telecommunication services (such as beepers and telephones). **Include** miscellaneous charges from commissions and fees earned that are directly related to telecommunication services reported on lines 16 and 17. **Do not include** receipts from services or equipment that are separately billed and that are not provided directly in connection with telecommunication services.

**Line 20** — The following exclusions and deductions are allowed if included in the gross charges reported on line 19:

- any surcharges collected or any administrative fee retained when merely acting as collection agent for a municipality for an enhanced emergency telephone system (E911), under Article 6 of the County Law.
- receipts from the sale of telecommunication services to air carriers solely for the purpose of air safety and navigation, when such telecommunication services are provided by an organization defined by section 186-e(b)(3) of the Tax Law.
- taxes imposed by New York State or its municipalities or the federal government, when the provider is merely a collection agency for the tax authority (such as for state and local sales tax).
- receipts from the sale of cable television and radio programming. *Cable television and radio programming* means the transmitting to subscribers of programs broadcast by one or more television or radio stations, or any other programs originated by any person by means of wire, cable, microwave, or any other means. (Note: telecommunication services provided to a cable television or radio provider, for the purposes of broadcasting programs to subscribers, are subject to tax under section 186-e.)

In addition, include any deduction for bad debts from all transactions (allowed on telecommunication charges subjected to tax under section 186-e, when the debt has become worthless in accordance with consistently applied Generally Accepted Accounting Principles).

**Line 24** — If a reseller of telecommunication services is not an interexchange carrier, local carrier, or a facilities-based cellular common carrier, it is allowed a credit for tax paid when the services are actually resold. The credit operates so that the tax on the resale will be applied only to the difference between the gross charge imposed on resale and the amount paid to acquire the service resold. Compute the credit by multiplying the reseller's cost to purchase the service by the tax rate.

*Example: A telephone company sells a telecommunication service to a reseller for \$2 for resale. The reseller, who is not an interexchange carrier or local carrier, resells the service for \$6. The reseller owes a tax on the difference of \$4, or \$.13 (\$4 x 3.25%). When reporting on the resold service, the reseller includes the gross charge of \$6 on line 21, an excise tax computed of \$.195 (\$6 x 3.25%) on line 23, and a credit of \$.065 (\$2 x 3.25% on line 24).*

**Line 25** — To prevent multi-jurisdictional taxation, a credit is allowed on any interstate or international telecommunication service, upon proof that a telecommunication services provider paid a like tax to another state or country. The amount of the credit will be the amount lawfully due and paid to the other state or country, but it may not reduce the tax due to less than zero.

## Schedule B — MTA surcharge related to telecommunication services (Tax Law section 186-c(1)(b))

The MTA surcharge is imposed on charges derived from the Metropolitan Commuter Transportation District (MCTD). The rate is 17% of the state tax rate that was in effect on September 30, 1998. Therefore, the MTA rate is .595% (.17 x .035 = .00595 = .595%).

All of the definitions and instructions in Schedule A apply to the MTA surcharge computed in Schedule B, with any necessary modifications and limitations, including substituting the words *Metropolitan Commuter Transportation District*, or MCTD, for the words *New York State* where appropriate. Accordingly, the tax applies to gross charges from (1) any intra-MCTD telecommunication services, (2) any inter-MCTD telecommunication services that originate or terminate in the MCTD and are charged to a service address in the MCTD (including intrastate, interstate, and international telecommunication services), and (3) private telecommunication services attributable to the MCTD.

### Need help?



**Telephone assistance** is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday.

For business tax information, call the New York State Business Tax Information Center:	1 800 972-1233
For general information:	1 800 225-5829
To order forms and publications:	1 800 462-8100
From areas outside the U.S. and outside Canada:	(518) 485-6800



**Fax-on-demand forms:** Forms are available 24 hours a day, 7 days a week. 1 800 748-3676



**Internet access:** <http://www.tax.state.ny.us>



**Hotline for the hearing and speech impaired:** 1 800 634-2110 from 8:30 a.m. to 4:15 p.m. (eastern time), Monday through Friday. If you do not own a telecommunications device for the deaf (TDD), check with independent living centers or community action programs to find out where machines are available for public use.



**Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.



**If you need to write,** address your letter to:  
 NYS TAX DEPARTMENT  
 TAXPAYER ASSISTANCE BUREAU  
 TAXPAYER CORRESPONDENCE  
 W A HARRIMAN CAMPUS  
 ALBANY NY 12227

### Privacy notification

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions, and forms, is found in Articles 8, 9, 9-A, 13, 19, 27, 32, 33, and 33-A of the Tax Law; and 42 USC 405(c)(2)(C)(i).

The Tax Department uses this information primarily to determine and administer corporate tax liabilities under the Tax Law, for certain tax refund offsets, and for any other purpose authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 924, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and outside Canada, call (518) 485-6800.